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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/700,341	11/04/2003	Shlomit Chasid	25807	5241
20529 75	590 02/16/2006		EXAMINER	
NATH & ASSOCIATES			WAGGONER, TIMOTHY R	
112 South West Street Alexandria, VA 22314			ART UNIT	PAPER NUMBER
			3651	3651
			DATE MAIL ED: 02/16/200	6

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)				
	10/700,341	CHASID ET AL.				
Office Action Summary	Examiner	Art Unit				
• • • • • • • • • • • • • • • • • • •		3651				
The MAILING DATE of this communication app	Timothy R. Waggoner pears on the cover sheet with the c					
Period for Reply						
A SHORTENED STATUTORY PERIOD FOR REPLY WHICHEVER IS LONGER, FROM THE MAILING DOWN THE MAILING DOWN THE MORE THE STATE OF THE MORE THAN THE MAILING DOWN THE STATE OF THE MORE THAN THE M	ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be timwill apply and will expire SIX (6) MONTHS from a cause the application to become ABANDONE	N. nely filed the mailing date of this communication. D (35 U.S.C. § 133).				
Status						
1) Responsive to communication(s) filed on 13 Ja	1) Responsive to communication(s) filed on <u>13 January 2006</u> .					
,	,					
,	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is					
closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.						
Disposition of Claims						
4) Claim(s) 1-27 is/are pending in the application.						
4a) Of the above claim(s) is/are withdrawn from consideration.						
5) Claim(s) is/are allowed.						
6) Claim(s) 1-27 is/are rejected.						
7) Claim(s) is/are objected to. 8) Claim(s) are subject to restriction and/or election requirement.						
	·					
Application Papers						
9) The specification is objected to by the Examine						
10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.						
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).						
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.						
Priority under 35 U.S.C. § 119						
12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of:						
1. Certified copies of the priority documents have been received.						
2. Certified copies of the priority documents have been received in Application No						
3. Copies of the certified copies of the priority documents have been received in this National Stage						
application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received.						
See the attached detailed Office action for a list	of the certified copies not receive	su.				
Attachment(s)	_					
 Notice of References Cited (PTO-892) Notice of Draftsperson's Patent Drawing Review (PTO-948) 	4) Interview Summary Paper No(s)/Mail D					
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 	. 🗖	Patent Application (PTO-152)				

Art Unit: 3651

DETAILED ACTION

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action.

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-12,14-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Julius in view of Huang et al. Julius discloses in figure 1 a dispenser for tissue having a tissue dispensing aperture 9 of a 'Y' type shape at its ends and has a friction feature to provide a leading edge to a following tissue. Note also the manipulating opening 8 to receive a user's fingers and the reclosable lid 5 with a locking means 12. To provide Julius' openings for a normally closed flap would be obvious in view of the teachings of Haung's use of the flap 20 having the normally closed ends 52 in a normally closed state to effect a sealing of pre-moistened tissues. Note also the 'hinged' ends 34 of the flap and the use of the waved (undulant) form of the closed ends of the flap.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Julius in view of Huang et al. as applied to claims 1-12,14-27 above, and further in view of Zaidman. Julius' dispenser does not disclose a depressible locking member. However, Zaidman discloses a dispenser having a depressible lock member. To provide Julius' dispenser with a depressible locking member would be obvious in view of the

Art Unit: 3651

teachings of Zaidman's use of the depressible locking member 20 so as to provide a ready releasable means for the lid.

Response to Arguments

Applicant's arguments filed 01/13/2006 have been fully considered but they are not persuasive.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re* Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, both patents have claims directed to openings for wet wipe dispensers, modifying one opening in view of the teachings of another opening would be obvious to one skilled in the art.

The claims as written do not define over the prior art cited in the rejection.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

Art Unit: 3651

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy R. Waggoner whose telephone number is (571) 272-8204. The examiner can normally be reached on Mon-Thu 8am-2pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Crawford can be reached on (571) 272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TRW

GENEYO. CHAWFORD
SUPERVISORY PATENT EXAMINER